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THE
Act of Incorporation
AND
ORDINANCES
OF THE
CITY OF BUNKER HILL,
ILLINOIS.

*Organized April 15th, 1873, under the General Law of
the State of Illinois.*

Published by Authority of the City Council.

BUNKER HILL, ILLS.

Gazette Print.

1873.



ILLINOIS HISTORICAL SURVEY

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Bunker Hill, Ill. -- Ordinances, etc.

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CITY OFFICERS.

1873.

MAYOR.

JAMES F. CUMMINGS.

ALDERMEN.

FOR TWO YEARS.

S. A. FLETCHER,
E. S. WILLIAMS,
DAVID MORRIS.

FOR ONE YEAR.

H. H. BROWN,
C. A. BARTELS,
JOHN GOSCH.

CITY CLERK.

S. N. SANFORD.

TREASURER.


JOHN G. AUER.

CITY ATTORNEY.

H. R. BUDD.

4501

27th St. Van Hornes 38 Jan 17 Bayd



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AN ACT

To provide for the Incorporation of Cities and Villages.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows :*

ARTICLE I.

OF THE ORGANIZATION OF CITIES.

That any city now existing in this State may become incorporated under this act in manner following : Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the Mayor and Council thereof to submit the question as to whether such city shall become incorporated, under this act, to a vote of the electors in such city, it shall be the duty of such Mayor and Council to submit such question accordingly, and to appoint a time and place, or places, at which such vote may be taken, and to designate the persons who shall act as judges at such election ; but such question shall not be submitted oftener than once in four years.

SEC. 2. The Mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city ; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

SEC. 3. The ballots to be used at such election shall be in the following form : "For city organization under general law ;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the City Council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act ; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

SEC. 4. Any incorporated town in this State, having a population of not less than one thousand inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the President and Trustees of such town shall, respectively, perform the same duties relative to such a change of organization as is above required to be performed by the Mayor and Council of cities.

SEC. 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the County Court of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held, to determine such question; and such judge shall name the person to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the County Judge and any two Justices of the Peace whom he shall call to his assistance, instead of the City Council; and the result of such election shall be entered upon the records of such County Court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

SEC. 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this

act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

SEC. 7. It shall be the duty of the President and Board of Trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such President and Trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

SEC. 8. In case of cities organizing under section five (5) of this article, the County Judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by President and Trustees of such town, and in canvassing such returns shall call to his assistance two Justices of the Peace.

SEC. 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

SEC. 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal and change the same at pleasure, and exercise all the powers hereinafter conferred.

SEC. 11. All ordinances, resolutions and by-laws, in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

SEC. 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same

municipal incorporation upon its becoming incorporated under the provisions of this act, but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be effected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

SEC. 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, caused to be filed in the office of the Recorder of Deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or County Court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such Recorder of Deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a registry of cities and villages organized under this act.

ARTICLE II.

OF THE MAYOR.

SECTION 1. The chief executive officer of a city shall be a Mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

SEC. 2. Whenever a vacancy shall happen in the office of the Mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

SEC. 3. If the vacancy is less than one year, the City Council shall elect one of its number to act as Mayor, who shall possess all the rights and powers of the Mayor until the next annual election, and until his successor is elected and qualified.

SEC. 4. During a temporary absence or disability of the Mayor, the City Council shall elect one of its number to act as Mayor *pro tem.*, who, during such absence or disability, shall possess the powers of Mayor.

SEC. 5. If the Mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

SEC. 6. The Mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie, when he shall give the casting vote.

SEC. 7. The Mayor shall have power to remove any officer appointed by him, on any former charge, whenever he shall be of the opinion that the interests of the city demand such removal; but he shall report the reasons for such removal to the Council at its next regular meeting.

SEC. 8. He may exercise, within the city limits, the powers conferred upon Sheriffs, to suppress disorder and keep the peace.

SEC. 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the Council at its first session thereafter.

SEC. 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

SEC. 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the city.

SEC. 12. The Mayor shall, annually, and from time to time, give the Council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

SEC. 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of eighteen years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the Governor as Commander-in-Chief of the Militia.

SEC. 14. In case the Mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding one thousand dollars; and the court in which such conviction shall be had, shall enter an order removing such officer from office.

SEC. 15. He may appoint, by and with the advice and consent of the City Council, immediately after such change of organization, one or more competent persons to prepare and submit to the City Council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the

compensation of such reviser or revisers to be determined and fixed by the City Council and paid out of the City Treasury.

ARTICLE III.

OF THE CITY COUNCIL.

SECTION 1. The City Council shall consist of the Mayor and Aldermen.

SEC. 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand: *Provided, however,* that in cities of over one hundred thousand (100,000) inhabitants, there shall be elected thirty-six aldermen, and no more.

SEC. 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

SEC. 4. If any vacancy shall occur in the office of alderman by death, resignation, removal, or otherwise, such vacancy shall be filled by election.

SEC. 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the City Council; nor shall any member of the City Council at the same time hold any other office under the City Government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its Mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the City Treasury to such member or firms.

SEC. 6. The City Council shall be judge of the election and qualification of its own members.

SEC. 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

SEC. 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

SEC. 9. The City Council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

SEC. 10. It may elect a temporary chairman in the absence of the Mayor.

SEC. 11. It shall sit with open doors.

SEC. 12. It shall keep a journal of its own proceedings.

SEC. 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the City Council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

SEC. 14. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

SEC. 15. Any report of a committee of the Council shall be deferred for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

SEC. 16. The City Council and Board of Trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances, and regulations thereof.

SEC. 17. The Mayor or any three aldermen may call special meetings of the City Council.

SEC. 18. All ordinances passed by the City Council shall, before they take effect, be deposited in the office of the City Clerk; and if

the Mayor approves thereof, he shall sign the same ; and such as he shall not approve, he shall return to the Council, with his objections thereto, in writing, at the next regular meeting of the Council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance ; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the Mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

SEC. 19. Upon the return of any ordinance by the Mayor, the vote by which the same was passed shall be reconsidered by the Council ; and if, after such reconsideration, two-thirds of all the members elected to the City Council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the Mayor may refuse to approve thereof. The vote to pass the same over the Mayor's veto shall be taken by yeas and nays, and entered on the journal.

ARTICLE IV.

ELECTIONS.

SECTION 1. A general election for city officers shall be held on the third Tuesday of April of each year.

SEC. 2. At the general election held in eighteen hundred and seventy-three, and biennially thereafter, a Mayor shall be elected in each city.

SEC. 3. All persons entitled to vote at any general election for State officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

SEC. 4. The City Council may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled, and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.

SEC. 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the City Council after such election, the aldermen elected shall be divided, by lot, into two classes : those of the

first-class shall continue in office for one year, and those of the second class for two years. And upon any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half for two years.

SEC. 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of "minority representation" in the City Council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the City Council," or "Against minority representation in the City Council." The judges of such election shall make returns thereof to the City Council, whose duty it shall be to canvass such returns and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the City Council," then the members of the City Council or legislative authority of such city shall be thereafter elected in the following manner: The City Council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the City Council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants.

SEC. 7. Every district shall be entitled to six aldermen. At the first meeting of the City Council after such election, the aldermen elected shall be divided by lot into two classes, the three receiving the lowest number of votes in the election to constitute the first class, and the three receiving the highest number of votes to constitute the second class. Those of the first class shall continue in office for one year, and those of the second class for two years; and upon any increase of the number of aldermen at their first election, one-half shall be elected for one year, and one-half for two years. Vacancies occurring by the expiration of term shall be filled by the election of aldermen for the full term of two years. Vacancies arising from any other cause than the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the City Council. In all elections for aldermen, aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected, or may distribute the same, or

equal parts thereof, among the candidates, as he shall see fit, and the candidates highest in votes shall be declared elected.

SEC. 8. If a majority of the votes cast at such election shall be "against minority representation in the City Council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

SEC. 9. The City Council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

SEC. 10. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this State. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general State elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the City Council or Board of Trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journal.

SEC. 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the City Council or Board of Trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

SEC. 12. It shall be the duty of the village or City Clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

SEC. 13. If, for any cause, there shall not be a quorum in office of the City Council or Board of Trustees, the Mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof. •

SEC. 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the City Council or Board of Trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

SECTION 1. The City Council in cities, and President and the Board of Trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and revoking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax, sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh—To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth—To plant trees upon the same.

Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same.

Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gaslights: *Provided, however*, that any company heretofore organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the Common Council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate cross-walks, curbs and gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph poles, horse-troughs, racks, posting handbills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots.

Twenty-third—To name and change the name of any street, avenue, alley, or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a tract of any horse railroad in any street, alley or

public place ; but such permission shall not be for a longer time than twenty years.

Twenty-fifth—To provide for and change the location, grade and crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle-guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses, or other domestic animal, may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this State, relative to the fencing of railroads ; and actions to recover such damages may be instituted before any Justice of the Peace, or other court of competent jurisdiction.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water-courses.

Thirty-first—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second—To erect and keep in repair public landing places, wharves, docks and levees.

Thirty-third—To regulate and control the use of public and private landing places, wharves, docks and levees.

Thirty-fourth—To control and regulate the anchorage, moorage

and landing of all water-craft and their cargoes within the jurisdiction of the corporation.

Thirty-fifth—To license, regulate and prohibit wharfboats, tugs and other boats used about the harbor or within such jurisdiction.

Thirty-sixth—To fix the rate of wharfage and dockage.

Thirty-seventh—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

Thirty-eighth—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

Thirty-ninth—To appoint harbor-masters, and define their duties.

Fortieth—To provide for the cleansing and purification of waters, water-courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatrical and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second—To license, tax and regulate hackmen, draymen, omnibus-drivers, carters, cabmen, porters, express-men, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon-hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin-alleys and ball-alleys.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city ; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property ; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

Forty-sixth—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license :

Provided, that the City Council in cities, or President and Board of Trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical pur-

poses only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance : *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of licenses.

Forty-seventh—The foregoing shall not be construed to effect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth—And the City Council in cities, and President and Board of Trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market-houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village ; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement.

Fifty-ninth—To prevent intoxication, fighting, quarreling, dog-fights, cock-fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

Sixty-second—The City Council and the President and Trustees in villages, for the purpose of guarding against the calamities of fire,

shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous. To regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires. To prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine-houses, and provide fire-engines, hose-carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire-companies or otherwise.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal-oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, firecrackers, torpedoes, Roman candles, skyrockets, and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam-boilers.

Sixty-eighth—To prescribe the duties and powers of a Superintendent of Police, policemen and watchmen.

Sixty-ninth—To establish and erect calabooes, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the County Jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the County Board.

Seventy-first—To provide by ordinance in regard to the relation

between all the officers and employees of the corporation in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a Board of Health, and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries, within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eightieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first—To direct the location and regulate the management and construction of packing-houses, renderies, tallow chandleries, bone-factories, soap-factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery-stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow-chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The City Council or Trustees of a village shall have power to provide for the taking of the city or village census; but

no city or village census shall be taken by authority of the Council or Trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll-bridges, and license and regulate the same, and, from time to time, fix tolls thereon.

Eighty-eighth—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The City Council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits) ; but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The City Council or Board of Trustees shall have no power to grant the use of, or the right to lay down, any railroad tracks in any street of the city, to any steam or horse-railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber-yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber-yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to

cities or villages, with such fines or penalties as the City Council or Board of Trustees shall deem proper: *Provided*, no fine or penalty shall exceed two hundred dollars (\$200), and no imprisonment shall extend six months for one offense.

SEC. 2. The style of the ordinances in cities shall be: "Be it ordained by the City Council of————."

SEC. 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published; and all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

SEC. 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation; and when printed in book or pamphlet form, and purporting to be published by authority of the Board of Trustees or the City Council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

SEC. 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

SEC. 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

SEC. 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof, and any person arrested

upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, workhouse, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The City Council or Board of Trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day, and for such work the person so employed to be allowed, exclusive of his or her board, two dollars per day for each day's work on account of such fine and cost. .

SEC. 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

SEC. 9. Any Constable or Sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

SEC. 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the State.

ARTICLE VI. .

OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. There shall be elected, in all cities organized under this act, the following officers, viz: a Mayor, a City Council, a City Clerk, City Attorney, and a City Treasurer.

SEC. 2. The City Council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the Mayor, with the approval of the City Council, of a City Collector, a City Marshal, a City Superintendent of Streets, a Corporation Counsel, a City Comptroller, or any or either of them, and such other officers as may by said Council be deemed necessary or expedient. The City Council may, by a like vote, by ordinance or resolution, to take effect at the end of the then

fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The City Marshal shall perform such duties as shall be prescribed by the City Council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this State.

SEC. 3. All officers of any city, except where herein otherwise provided, shall be appointed by the Mayor, (and vacancies in all officers except the Mayor and aldermen shall be filled by like appointment,) by and with the advice and consent of the City Council. The City Council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years.

SEC. 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of..... according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the Clerk; and all such officers, except aldermen and Trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the City Council or Board of Trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the Mayor's bond be fixed at a less sum than three thousand dollars (\$3.000), nor shall the Treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year; which bonds shall be filed with the Clerk (except the bond of the Clerk, which shall be filed with the Treasurer).

SEC. 5. All officers elected or appointed under this act (except the Clerk, Aldermen and Mayor, and Trustees,) shall be commissioned by warrant, under the corporate seal, signed by the Clerk

and the Mayor or presiding officer of the City Council or Board of Trustees. The Mayor or President of the Board of Trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the Clerk thereof; and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

SEC. 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

SEC. 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the Treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

SEC. 8. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the City Council or Board of Trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property, or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding five thousand dollars, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or vil-

lage, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding five thousand dollars, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

SEC. 9. No Mayor, Alderman, City Clerk or Treasurer shall hold any other office under the city government during his term of office.

SEC. 10. The Clerk shall keep the corporate seal, to be provided under the direction of the City Council or Board of Trustees, and all papers belonging to the city or village; he shall attend all meetings of the City Council or Board of Trustees, and keep a full record of its proceeding in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced.

SEC. 11. The Clerk shall record, in a book to be kept for that purpose, all ordinances passed by the City Council or Board of Trustees; and at the foot of the record of each ordinance so recorded, shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

SEC. 12. The Trustees in villages, the Mayor, Aldermen, and the Marshal and his Deputies, Policemen and Watchmen in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the State, commit for examination, and, if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise

such other powers, as conservators of the peace, as the City Council or Board of Trustees may prescribe.

SEC. 13. The Mayor of any city shall receive such compensation as the City Council may by ordinance direct; but his compensation shall not be changed during his term of office.

SEC. 14. The Aldermen and Trustees may receive such compensation for their services as shall be fixed by ordinance; *Provided, however,* such compensation shall not exceed three dollars to each Alderman or Trustee for each meeting of the City Council or Board of Trustees actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any Alderman or Trustee for any services whatsoever. Such compensation shall not be changed after it has been once established, so as to take effect as to any Alderman or Trustee voting for such change during his term of office.

SEC. 15. All other officers may receive a salary, fees, or other compensation, to be fixed by ordinance; and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed: and every such officer shall make and return to the Mayor or President of the Board of Trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

SEC. 16. The Mayor of any city, and the Clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

OF FINANCE.

SECTION 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

SEC. 2. The City Council of cities, and Board of Trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the Annual Appropriation Bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within

such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

SEC. 3. Neither the City Council nor the Board of Trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained, shall prevent the City Council or Board of Trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The City Council or Board of Trustees may, by a like vote, order the Mayor or President of the Board of Trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the Mayor, or President of the Board of Trustees and finance committee, under the sanction of the City Council or Board of Trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

SEC. 4. No contract shall be hereafter made by the City Council or Board of Trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the City Council or Board of Trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

SEC. 5. The Treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts

shall always be subject to the inspection of any member of the City Council or Board of Trustees.

SEC. 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

SEC. 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and upon what account paid; and he shall also file copies of such receipts with the Clerk at the date of his monthly reports.

SEC. 8. The Treasurer shall, at the end of each and every month, and oftener if required, render an account to the City Council or Board of Trustees, or such officer as may be designated by ordinance (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the Clerk, and filed with his said account in the Clerk's office upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

SEC. 9. The Treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which the custody of such money shall be taken from the Treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the City Council or Board of Trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied by the corporation. The Treasurer shall keep all moneys belonging to the corporation in his hands, separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the City Council or Board of Trustees, who are hereby authorized to declare said office

vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

SEC. 10. The Treasurer shall report to the City Council or Board of Trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the Clerk a full and detailed account of all such receipts and expenditures, and of all his transactions as such Treasurer, during the preceding fiscal year, and shall show in such account the state of the Treasury at the close of the fiscal year; which account the Clerk shall immediately cause to be published in a newspaper printed in such city if there be one, and if not, then by posting the same in a public place in the Clerk's office.

SEC. 11. All warrants drawn upon the Treasurer must be signed by the Mayor and countersigned by the Clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

SEC. 12. All moneys received on any special assessment shall be held by the Treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

CITY COLLECTOR.

SEC. 13. It shall be the duty of the Collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the City Council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the Mayor, City Clerk, any member of the Council, or committee thereof. He shall weekly, and oftener if required by the Council, pay over to the Treasurer all moneys collected by him from any source whatever, taking such Treasurer's receipt therefor, which receipt he shall immediately file with the City Clerk; but the City Clerk shall, at the time, or on demand, give such Collector a copy of any such receipt so filed.

SEC. 14. He shall make a report in writing to the Council, or any officer designated by the Council, of all moneys collected by

him, the account whereon collected, or of any other matter in connection with his office, when required by the Council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the Clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the City Clerk. The City Clerk shall publish or post the same as hereinbefore required to be done in regard to the annual report of the Treasurer.

SEC. 15. The Collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the Treasurer; and any violation of this provision will subject him to immediate removal from office.

SEC. 16. All the City Collector's papers, books, warrants and vouchers may be examined at any time by the Mayor or Clerk, or any member of the City Council; and the Collector shall every two weeks, or oftener if the City Council so direct, pay over all money collected by him from any person or persons, or associations, to the Treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the Clerk.

CITY COMPTROLLER.

SEC. 17. The City Comptroller (if there shall be any City Comptroller appointed, if not, then the Clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection, or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the City Council or Board of Trustees submit to the City Council or Board of Trustees, a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose

of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the Council or Board of Trustees as he may deem necessary, to the end that the City Council or Board of Trustees may fully understand the money exigencies and demands upon the corporation for the current year.

SEC. 18. When there shall be appointed in any city a Comptroller, the City Council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the City Council shall deem necessary and proper; and all the provisions of this act relating to the duties of City Clerk, or the powers of City Clerk in connection with the finances, the Treasurer and Collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such Comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "Clerk" is used, it shall be held to mean "Comptroller;" and wherever the "Clerk's office" is referred to, it shall be held to mean "Comptroller's office."

SEC. 19. The Comptroller, when there shall be a Comptroller, and if not, then the Clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.

SEC. 20. The Collector and Treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations, as the City Council or Board of Trustees may, from time to time, by ordinance, provide and establish.

SEC. 21. In the adjustment of the accounts of the Collector or

Treasurer with the Clerk (or Comptroller if there shall be one), there shall be an appeal to the Finance Committee of the Council or Board of Trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the City Council or Board of Trustees shall otherwise direct and provide.

SEC. 22. The Comptroller (if there shall be one), the Clerk, Treasurer and Collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the City Council or Board of Trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

SEC. 23. All corporations, companies or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the Treasurer the sum of two dollars upon the hundred dollars of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January in each year, render to the Comptroller (if any there be; if not, to the Clerk,) a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the Treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or

imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The City Council in cities and Board of Trustees in villages may assess and collect taxes for corporate purposes, in the following manner: the City Council or Board of Trustees, as the case may be, shall on or before the second Tuesday in September in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year, and by ordinance levy and assess such amount, so ascertained, upon the real and personal property within the city or village subject to taxation, as the same is assessed for State and county purposes for the current year. A certified copy of such ordinance shall be filed with the County Clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied and assessed; and it shall be the duty of the County Clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of State and county taxes within such city or village.

SEC. 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the Treasurer of the city or village.

SEC. 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such Treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

SEC. 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the City Council or Board of Trustees, and cer-

tified to the County Clerk as aforesaid; but the City Council or Board of Trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village Treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

SEC. 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the Constitution and general laws of the State.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

SEC. 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

SEC. 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

SEC. 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

SEC. 5. Such petition shall contain a copy of the said ordinance, certified by the Clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the Board or officer filing the petition; and where any known owners are non-residents of the State, stating the fact of such non-residence.

SEC. 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this State, or on due inquiry cannot be found, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or if there be no newspaper published in his county, then some newspaper published in this State, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served.

SEC. 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid.

SEC. 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

SEC. 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the prem-

ises which it is claimed by any party to said proceeding will be taken or damaged by said improvement.

SEC. 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

SEC. 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with such process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

SEC. 12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

SEC. 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of

such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

SEC. 14. Any final judgment or judgments rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

SEC. 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

SEC. 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

SEC. 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

SEC. 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceed-

ings for the making such special assessment shall be in accordance with the sections of this act from eighteen to fifty-one, inclusive.

SEC. 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance.

SEC. 20. The City Council or Board or Trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said Council or Board of Trustees.

SEC. 21. On such report being made, and approved by the Council or Board of Trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the County Court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

SEC. 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement, and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

SEC. 23. Upon the filing of such petition the Court shall appoint three competent persons as Commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, }
County. } ss.

We, the undersigned, commissioners, appointed by the county court of..... county, to assess the cost of..... (here state in general terms the improvement,) do solemnly swear (or affirm, as the case may be,) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of....., and the property benefited by such improvement, to the best of our ability, and according to law.

SEC. 24. It shall be the duty of such Commissioners to examine the locality where the improvement is proposed to be made, and the

lots, blocks, tracts and parcels of lands that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited; and apportion the same between the city or village, and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property, upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited.

SEC. 25. They shall also make or cause to be made a map showing the lots, blocks, tracts and parcels of land which they shall find will be benefited by the proposed improvement, and shall mark upon each lot, block, tract or parcel of land shown by such map the amount they shall find to be its proportion of the cost of such improvement.

SEC. 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto; and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll, with said map, to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

SEC. 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, or, upon diligent inquiry, can be ascertained, a notice substantially in the following form:

Mr. :

Your (here give a short description of the premises), is assessed \$..... for public improvement. The assessment roll will be returned to the..... term of the County Court of.....county.

(Here give date.)

..... } COMMISSIONERS.
 }

Second—They shall cause at least ten days' notice to be given by

posting notices in (at least) four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in the county of such city or village, by publishing the same at least five successive days in a daily newspaper published in such county; or if no daily newspaper is published in such county, and a weekly newspaper is published therein, then at least once in each week for two successive weeks, always preferring a newspaper published in such city or village, if there is one. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the City Council (or Board of Trustees, as the case may be,) of....., having ordered that (here insert the description and nature of improvements substantially as in ordinance), have applied to the County Court of.....county for an assessment of the cost of said improvements according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the.....term of said court, commencing on the.....day of....., A. D. 18... All persons desiring may then and there appear and make their defense.

(Here give date.)

..... } COMMISSIONERS.
 }

SEC. 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating they have sent or caused to be sent by mail to the owners whose premises have been assessed, and whose names and places of residence are known to them, or, upon diligent inquiry, could be ascertained, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notices in like manner as is required in other cases of publication of notices.

SEC. 29. If ten days shall not have elapsed between the first publication, or the putting up of such notices, and the first day of the next term of such court, the hearing shall be continued until the next term of court.

SEC. 30. Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing

such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land, to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

SEC. 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

SEC. 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

SEC. 33. The court before which any such proceeding may be pending shall have authority, at any time before final adjournment, to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement, according to the principles of this act, and may, from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

SEC. 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed from the date thereof until payment shall be made.

SEC. 35. The Clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the Clerk of such city or village; or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error.

The Clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

SEC. 36. The warrant, in all cases of assessment under this act, shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

SEC. 37. The Collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO.—.

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement: (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the Clerk of the city (or village) of..... that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office (here insert location of office), within thirty days from the date hereof.

Dated this.....day of....., A. D. 187 .

.....COLLECTOR.

SEC. 38. It shall be the duty of the Collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such Collector omitting so to do shall be liable to a penalty of ten dollars for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment], shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

SEC. 39. It shall be the duty of the Collector of Special Assessments, within such time as the City Council or Board of

Trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this State, to apply for judgment and sell lands for taxes due the county and State—of all the lands, town lots and real property on which he shall have been unable to collect special assessments with the amount of special assessments due and unpaid thereon, together with his warrant or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the Collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of..... (or village of....., as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

SEC. 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of lands and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and State; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein.

SEC. 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the County Clerk, and redemption may be made as provided for by the general revenue law of the State.

SEC. 42. If the Collector shall receive any monies for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the State officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment

which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovery in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

SEC. 43. The Collector or Collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village Treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

SEC. 44. The general revenue laws of this State, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

SEC. 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

SEC. 46. If any assessment shall be annulled by the City Council or Board of Trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the City Council or Board of Trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

SEC. 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be

raised, the excess shall be refunded ratably to those by whom it was paid.

SEC. 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the City Council or Board of Trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the City Council or Board of Trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

SEC. 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collection of the special assessments made for the work contracted for.

SEC. 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed five hundred dollars, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the Mayor or President of the Board of Trustees: *Provided, however,* any such contract may be entered into by the proper officer, without advertising for bids, and

without such approval, by a vote of two-thirds of all the Aldermen or Trustees elected.

SEC. 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the Collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of State and county taxes under the general laws of the State.

SEC. 52. At any time after the same becomes due, it shall and may be lawful for any Collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the Clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said Collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

SEC. 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such

city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be awarded for the property taken or damaged, with the costs of the proceeding, and when it may be desirable so to do, also including the cost of making the improvement for which the property is taken or damaged. When such supplemental petition is filed, like proceedings shall be had, and the assessment made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases.

SEC. 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

ARTICLE X.

(MISCELLANEOUS PROVISIONS)—WATER.

SECTION 1. The City Council or Board of Trustees shall have power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

SEC. 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have the power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

SEC. 3. The City Council or Board of Trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collect-

ing of any water taxes, rates or assessments, as the said City Council or Board of Trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or adjoin any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings situated thereon, and such lien or charge may be collected or enforced in such manner as the City Council may, by ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

SEC. 4. A suit may be brought by any tax payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended or released without authority of law: *Provided*, that such tax payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

SEC. 5. The City Council or Board of Trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the City Council or Board of Trustees, or to some officer to be designated by such Council or Board of Trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

SEC. 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

SEC. 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this State, or of such city or village; and it shall be the duty of the Secretary of State, upon the publication of any State or United States census, to certify to

each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this State shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, State, city or village census so taken.

SEC. 8 The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections, unless otherwise provided by ordinance.

SEC. 9. When in any suit the city or village prays an appeal from the judgment of any court of this State to a higher court, it shall not be required to furnish an appeal bond.

Approved April 10, 1872.

AN ORDINANCE

IN RELATION TO THE PUBLICATION OF THE ORDINANCES OF THE
CITY OF BUNKER HILL, ILLINOIS.

Be it ordained by the City Council of the City of Bunker Hill: That the following ordinances, entitled as follows, viz—Relating to Boundaries ; Elections ; Officers ; Road Labor ; Fire Limits ; Nuisances ; Shows, Peddlers and Auctioneers ; Groceries and Billiard Rooms ; Misdemeanors ; Dogs ; Police Department ; Health Department ; Horses, Cows, Swine and other animals ; Grade of Street ; Fees and Salaries ; Suits and Process ; Meetings and Ordinances—shall constitute the ordinances of the City of Bunker Hill, and shall be published in book or pamphlet form, with the certificate of the City Clerk under the corporate seal of the city. When so published the City Clerk shall post five copies of the same in five public places in the city. Ten days after so posted these ordinances shall be in full force and effect.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

ORDINANCES.

AN ORDINANCE IN RELATION TO BOUNDARIES.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the boundaries of said City of Bunker Hill shall be defined as follows, to-wit: Beginning at the southwest corner of section fourteen (14), in township No. seven (7), north, range No. eight (8), west of the third principal meridian, and running one-half mile north, to the northwest corner of the southwest quarter of said section fourteen (14); thence east one mile on half section line to the northeast corner of southeast quarter of said section fourteen (14); thence south one mile on said section line to the southeast corner of the northeast quarter of section twenty-three (23); thence west one mile on half section line to the southwest corner of northwest quarter of said section twenty-three (23); thence north one-half mile to the northwest corner of northwest quarter of said section twenty-three (23), in said township, the place of beginning.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO ELECTIONS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That all elections shall be held at the City Hall. The polls shall open at one o'clock and close at seven o'clock P. M. The Aldermen shall be elected by cumulative vote.

SEC. 2. At the general election held in eighteen hundred and seventy-three, and quadrienially thereafter, a Police Magistrate shall be elected.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO OFFICERS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the officers of the city shall give bonds for the faithful performance of their duties in the following sums, viz: Mayor,

three thousand dollars ; Clerk, fifteen hundred dollars ; Attorney, five hundred dollars ; Treasurer, three thousand dollars ; City Marshal, one thousand dollars ; Superintendent of Streets, five hundred dollars.

SEC. 2. The City Attorney shall appear for the city in all suits in which it may be interested, and shall advise all officers of the city in relation to their duties, when requested so to do ; shall draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city ; and for a failure to attend to any suit after being notified of the time and place of trial by the Mayor or any officer of the city, he shall forfeit and pay the sum of five dollars for each offense.

SEC. 3. The Police Magistrate, before whom any suits may be brought in the name of the city, for the recovery of any fines, or penalties, shall, quarterly, on the first Monday in July, October, January and April in each year, report to the City Council a list of all suits brought in the name of the city, since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom, and the amount collected ; also, the amount collected since his last report upon any judgment, for any fine rendered prior to such report ; and he shall pay all moneys collected by him on account of the city, into the city treasury as fast as collected.

SEC. 4. The City Marshal shall enforce a due observance of the ordinances of said city, and shall arrest, either with or without special warrant, any person or persons who may be found engaged in fighting, rioting, or violating any ordinance of said city ; and bring such person or persons before the Police Magistrate, or other officer authorized to hear and determine such case, to be dealt with according to law. If necessary he may detain such person or persons in custody or in the calaboose over night or Sunday, or until they can be brought before the proper magistrate. He shall, at least once in each month, pay over to the Treasurer all money which he may then have in his hands belonging to said city. He shall also perform such other duties as may be required of him by the by-laws or ordinances of said city, or the laws of this State.

SEC. 5. The Superintendent of Streets shall superintend the opening and keeping in repair of all the streets, alleys and roads within the limits of said city. For this purpose it shall be his duty to notify all persons in said city, liable to perform road labor, to labor the number of days required by ordinance on said streets, alleys and roads, at least two days before such labor is required to be

done. He shall call out not less than ten persons to labor at the same time, and shall require them to labor with reasonable diligence for at least eight hours on each day prescribed by ordinance, and shall report the name and amount of labor due from each person who shall fail or refuse to perform the same, to the City Council, at the first meeting thereof after such failure or refusal. He shall, also, immediately after seeing or being informed of any nuisance being in said city, or obstruction in any of the streets, alleys or roads therein, contrary to the ordinances thereof, notify the person or persons causing or owning the said nuisance or obstruction to remove the same; and if such person or persons shall fail or refuse to do so within the time prescribed by ordinance, he shall employ some other person to remove the same as soon as possible, and shall report the name or names of the person or persons causing the same, to the City Council at the first meeting thereof after the removal of such nuisance or obstruction. He shall also make a report each month to the City Council of all money received by him in lieu of road labor, and pay the same to the Treasurer.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE IN RELATION TO ROAD LABOR.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That, for the purpose of keeping the streets, alleys and roads in the City of Bunker Hill in good repair, every able bodied male inhabitant of said city, between the ages of twenty-one and fifty years, shall be required to perform road labor on said streets, alleys and roads, under the direction of the Street Superintendent, for the number of days in each year which the City Council shall direct, not exceeding three days in any one year, or to pay the sum of one dollar for each day such person may fail to labor, which sum may be paid to the Street Superintendent, and his receipt therefor shall be a full discharge of such liability for that year. All persons liable to perform such labor, shall attend at the time and place at which they shall be notified by the Street Superintendent to do so, either by themselves or their substitutes, with such tools as may be necessary; and shall labor with reasonable diligence for at least eight hours in each day they are required to labor, and shall, in the performance of such labor, obey the reasonable directions of the Street Superintendent. For a failure to perform such labor, after having been duly

notified by the Street Superintendent to do so, each person so failing shall forfeit and pay the sum of one dollar for each day's failure. For a refusal to obey the reasonable orders of the Street Superintendent, each person so refusing shall forfeit and pay the sum of five dollars ; both said penalties to be recovered, together with costs of suit, as other forfeitures under the ordinances of said city. *Provided*, That no person who can satisfy the Street Superintendent by the certificate or receipt of any Supervisor of Roads, or by other evidence, that he has discharged his road labor in any other town or county in this State, or in another State for the year he has been notified to labor in this city, shall be required to perform such labor : *And provided, also*, That the members of the City Council shall be exempt from road labor.

SEC. 2. That, to facilitate the travel to and from the city, the City Council may, with the consent of the Commissioners of Highways of the township, keep the roads leading to the city in repair for the distance of one half mile from the city limits, said City Council to have full control of said roads.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO FIRE LIMITS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill*: That all that part of the City of Bunker Hill embraced within the following lots, viz : Lots Nos. 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, with such other parts of said city as may hereafter, from time to time, be added thereto, by ordinance, shall constitute and be known as the fire limit.

SEC. 2. No building or part of a building shall be erected within the fire limits without permission of the City Council, unless all the outside walls shall be built of stone, brick or other fire proof materials, and all wooden lintels or plate pieces used in construction of same, shall recede from the outside of the wall at least four inches, or when they shall not so recede, shall be of stone, iron, or covered with fire proof material.

SEC. 3. Buildings built of wood, and used exclusively for private dwelling houses, may be repaired, but shall not be raised or en-

larged, nor shall any such wooden buildings or part of wooden buildings, within the fire limit, be removed to any other place within the same, nor shall any such building or part of building be removed into from without the same, nor shall any wooden building within the fire limit, which may become damaged to the amount of fifty per cent. of the value thereof, by fire or other casualty, be repaired or rebuilt; nor shall any such buildings, when the damage thereto is less than fifty per cent. of its value, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, or to occupy a greater space than before the injury thereto: *Provided*, such improvements may be made by the permission of the City Council.

SEC. 4. The extent of damage that may be done to any such building by fire, or other casualty, may be determined by three disinterested citizens of the city; one of whom shall be selected by the owner of the building, or his agent, the second by the Mayor, and the two chosen shall select a third, and their decision shall be final and conclusive.

SEC. 5. Any building which may be in process of erection, raising, enlargement, removal, or repair, contrary to any provision hereof, shall be deemed and is hereby declared a nuisance, and the Mayor shall, upon information of such violation, give due and reasonable notice to the owner or builder of such building, to abate, remedy or remove the same, or such part thereof as may be necessary, and upon his failure to comply with said notice, the Mayor shall, by an order in writing, require the City Marshal to remove such building, or such part thereof as may be necessary, and report the costs of such removal, upon oath, to the City Council for allowance, and such costs may be collected of the owner or builder of such building, liable therefor by suit in the name of the city, before any Court having jurisdiction.

SEC. 6. The placing of any stack, rick or pile of hay, straw, shavings or other material of an inflammable nature within the fire limits, unless the same is within some enclosed building, is hereby declared a nuisance. Any person placing any of the above materials within the fire limits, except the same is within some enclosed building, shall remove the same within twenty-four hours (after being notified by the Mayor or other officer) under a penalty of not less than twenty dollars.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE IN RELATION TO NUISANCES.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That any premises, or any part thereof which may be nauseous, foul or offensive to the neighborhood, or to any persons or family residing near the same, or to persons passing along any street or alley near the same, or in such a condition as to be detrimental or obnoxious to the public health or comfort, shall be deemed a nuisance, and any owner or occupant of such premises who shall neglect or refuse to abate, remedy or remove such nuisance, or cleanse such premises after notice thereof by the Superintendent of Streets, the City Marshal or any person aggrieved thereby, shall forfeit and pay the sum of three dollars for each day he shall so neglect or refuse to abate, remove, remedy or cleanse the same after such notice.

SEC. 2. Any nauseous, foul, offensive or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, which may be discharged, placed or thrown, or flow from, or out of any premises into any street or alley, or into any adjacent premises, is hereby declared a nuisance, and whoever shall throw, place or discharge any such nauseous, foul, offensive or putrid liquid or substance, or any liquid or substance likely to become nauseous, foul, offensive or putrid, into any street or alley, or into an adjacent premises, or shall permit any such nuisance to be discharged, or to flow from, or out of any premises owned or occupied by him, or under his control, into any street or alley, or into any adjacent premises, shall forfeit and pay the sum of three dollars, and a like sum for each day he shall not abate, remedy or remove the same after notice thereof by the Street Superintendent, City Marshal, or any person aggrieved thereby.

SEC. 3. Any person who shall knowingly suffer any dead animal, belonging to him, or her, to remain within the city, or within one half mile thereof, so as to be, or be likely to become putrid and nauseous, or offensive to any person residing within the city, shall be deemed guilty of a nuisance, and shall forfeit and pay the sum of three dollars, and a like sum for each day he shall not abate, remedy or remove the same.

SEC. 4. When any nuisance or anything likely to become a nuisance, shall be found by the Street Superintendent or the City Marshal, or shall be reported to them, the author, owner or cause of such nuisance, shall forthwith be notified to abate, remove or remedy the same, and in case he shall not comply with such notice, the officer shall abate such nuisance and bring suit against such person

in the name of the city for the penalty ; and costs of removal or abatement, may also be recovered with the penalty or by a separate suit in the name of the city before the Police Magistrate, or in his absence or inability to act, before any justice of the peace in the City of Bunker Hill.

SEC. 5. That any chimney, flues, fire-place, stove pipes, ovens or other apparatus used in or about any building, or manufactory, which may be constructed so as to endanger the property adjoining by fire, may be declared to be a nuisance ; and any owner or occupant of said building or manufactory, who shall neglect or refuse to abate, remedy or remove such nuisance, after an order of the City Council having been served on him requiring him to abate, remove or remedy the same, shall forfeit and pay the sum of twenty dollars.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO SHOWS, PEDDLERS AND AUCTIONEERS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That any person or persons wishing to exhibit any public show or wax figures, puppets, animals, or other thing, or to perform any feats, such as circus riding, dancing on ropes or wire, tricks of ledgerdemain, sleight of hand, or any theatrical or other performance where money is charged or paid for admission, such person or persons shall apply to the Clerk of said city for license, who shall issue such license, upon the payment of a sum not less than three nor more than one hundred dollars, into the Treasury of said city, for every twenty-four hours during which such exhibition or performance shall be continued in said city ; and also the fees of said Clerk for issuing the same. The time for which the license is granted shall be specified in the same : *Provided, however,* That the Clerk may grant such licenses for musical concerts, or lectures on scientific subjects, free of charge.

SEC. 2. If any person or persons shall exhibit any show or performance enumerated in the foregoing section, in said city, without having first obtained a license as aforesaid, such person or persons so offending shall, on conviction thereof, forfeit and pay for each offence the sum of not less than ten nor more than one hundred dollars ; and the further sum of fifty dollars for each twelve hours during which such show or performance shall be continued.

SEC. 3. Any person not a tax payer in the City of Bunker Hill, wishing to expose for sale at public auction, or peddle within the limits of said city, any goods, wares or merchandise, the sale of which is not prohibited by ordinance, shall apply to the Clerk of said city for license ; which license said Clerk is hereby authorized to issue, upon payment into the Treasury of said city of a sum not less than one nor more than fifty dollars, and of his fees for issuing the same ; specifying in such license the time for which the same is granted.

And any person or persons who shall hereafter violate the provisions of this section by selling or peddling any such goods, wares or merchandise in said city, without first obtaining license to do so, shall, on conviction thereof, forfeit and pay the sum of not less than five nor more than fifty dollars, for each day, or part of a day, during which they shall sell or peddle such goods, wares or merchandise without license : *Provided, however,* That the provisions of this section shall not apply to any sale of property under process of law, or to the sale of furniture or household goods by any family : *Provided, also,* That any person, whether a tax payer or not, wishing to carry on a regular auction business in said city may obtain a license therefor, from, and by agreement with the City Council ; and no such business shall be carried on without such license, under the penalty hereinbefore provided.

SEC. 4. That all itinerant persons vending goods, wares and merchandise, clocks, jewelry, gold or silver, or plated ware, spectacles, drugs, nostrums, perfumes, or any other thing, vending, or offering to vend goods, wares and merchandise, or other thing, which is not the product of this State, or any person or persons who shall, under color of *bona fide* merchants, take up a temporary residence in said city, for the purpose of disposing of their goods, wares and merchandise of whatsoever kind, whether at auction or retail, shall be deemed peddlers under this ordinance.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO GROCERIES AND BILIARD ROOMS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill :* That every person or persons not having a legal license to keep a grocery in said city who shall therein barter, sell, exchange or otherwise dispose of for his, her or their gain or benefit, any vinous,

spiritous, malt, fermented or mixed liquors, in any quantity whatever, (cider excepted), or shall suffer or permit the same to be done on his, her or their premises, shall forfeit and pay for each offense a sum of not less than fifty dollars.

SEC. 2. Licenses to keep groceries in said city, for the term of three months, may be granted on the following conditions :

Applicant or applicants to keep groceries in said city shall pay into the city treasury the sum of eighteen dollars and seventy-five cents for the privilege thus granted, and shall enter into bond in the penalty of three hundred dollars, with one or more sufficient securities, to be approved by the City Council, conditioned that the said applicant or applicants will keep an orderly house, and that he, she or they shall not permit any disorderly or riotous conduct therein, or unlawful gaming, and that he, she or they will not barter, sell, exchange or deliver, or cause or suffer to be delivered to any minor, idiotic, insane or distracted person or pauper, without the consent of his or her parent, guardian or conservator, any liquor of any kind whatever : *Provided*, That no person shall be granted a license under this section without first giving a bond, to be approved by the City Council (which bond shall run in the name of the People of the State of Illinois, and be in the penal sum of three thousand dollars, with at least two good and sufficient securities, who shall be freeholders), conditioned that they will pay all damages to any person or persons which may be inflicted upon them either in person or property, or means of support, by reason of the person so obtaining a license.

SEC. 3. Licenses to keep groceries in said city shall not authorize persons obtaining them to vend or sell in more than one house or place, and every license shall describe the house or place intended to be occupied for the purpose set forth in such license.

SEC. 4. No person or persons shall, within said city, sell, give, furnish or deliver, or suffer to be sold, given, furnished or delivered, on his, her or their premises, to any minor, idiotic, insane or distracted person or pauper, any liquor of any kind whatever. Every person or persons who shall offend against the provisions of this section shall forfeit and pay for each offense a sum of not less than fifteen dollars ; and if any person or persons having a legal license to keep a grocery in said city, shall offend against the provisions hereof, his, her or their license, shall, upon conviction thereof, be forfeited : *Provided*, That nothing herein contained shall affect the provisions of section two of this ordinance.

SEC. 5. Licenses to keep groceries in said city shall authorize

the person or persons obtaining the same to sell and vend vinous, spirituous, malt and fermented liquors in the house or place specified in said license, and not elsewhere, for the term therein specified. Such license shall not be transferable or assignable, and in case any person or persons having a legal license wish to remove from one house or place to another, the Mayor may consent to such change and cause a license to issue accordingly.

SEC. 6. Every person or persons who shall barter, sell, exchange or give away, or suffer to be used upon his, her or their premises, any poisonous, corrupted or drugged liquors, or shall deceitfully mix any liquors to evade the provisions of this ordinance, shall forfeit and pay for each offense a sum of not less than fifty dollars, and shall forfeit his, her or their grocery license.

SEC. 7. If any person or persons shall keep open any tippling house, grocery, brewery, beer house, saloon or garden, or any billiard saloon, or ten pin alley, or other place of amusement, or shall sell or vend any of the liquors specified in the first section hereof, on the Sabbath day or night, such person or persons shall forfeit and pay for each offense a sum of not less than fifty dollars, and if any keeper or keepers of a licensed grocery shall offend against the provisions of this ordinance, he, she or they, upon conviction thereof, shall forfeit his, her or their license.

SEC. 8. After proof of a minor, idiot, insane or distracted person or pauper being found in or coming out of any grocery intoxicated, it shall be presumed that said person received his or her liquor at said grocery, unless the contrary be *clearly* proved.

SEC. 9. If any person shall keep open any tippling house, grocery, brewery, beer house, billiard saloon, or ten pin alley, or other place of amusement after eleven o'clock P. M., he, she or they shall forfeit and pay for each offense, a sum not less than twenty dollars, and upon a second conviction thereof shall forfeit his, her or their license.

SEC. 10. The City Council may, in their discretion, grant a license to any person or persons who may be engaged, in good faith, in the business of a druggist or apothecary, for the term of three or six months, at the option of the applicant, to sell or vend spirituous, malt or vinous liquors for medicinal, mechanical or sacramental purposes. The applicant or applicants for said license shall pay to the Clerk his fees for bond and license, and shall execute a bond in the sum of three hundred dollars, with one or more sufficient securities, to be approved by the City Council, conditioned

that he or they will not sell any spiritous, malt or vinous liquors for any other purpose than authorized by the said license, nor suffer or permit any spiritous, malt or vinous liquors to be drank on his or their premises, and that he or they will not sell or give any of said liquors to a minor without the written permission of the parent or guardian of said minor: *Provided*, no license shall be granted under this section until the party shall have given the State bond required under section 2 of this ordinance. Any druggist or apothecary who shall violate any of the conditions or provisions of the bonds provided for in this section shall forfeit and pay a sum of not less than fifty dollars for each offense, and also forfeit his, her or their license.

SEC. 11. That every person or persons not having a legal license to keep billiard tables, pigeon hole or ten pin alley, or any other article or instrument, thing or things whatsoever which may be used for the purpose of playing or betting upon, or winning or losing money, who shall suffer or permit the same to be used on his, her or their premises shall forfeit and pay for each offense a sum of not less than twenty-five dollars.

SEC. 12. Licenses to keep billiard tables may be granted on the following conditions: Applicant or applicants to keep billiard tables shall pay into the treasury the sum of two dollars and fifty cents per quarter for each table, and shall enter into bond, with one or more sufficient securities, in the penalty of three hundred dollars, conditioned to keep a quiet and orderly house: *Provided*, That before any person shall procure a license to keep billiard tables as aforesaid, he shall register with the Clerk of the city the place where he intends to keep said tables, together with the name of his house or saloon in which the same are kept.

SEC. 13. Licenses to keep pigeon hole tables, ten pin alleys or any other article or things whatsoever, used for playing upon, may, in the discretion of the City Council, be licensed upon the applicants paying into the city treasury the sum of two dollars per quarter.

SEC. 14. Whenever it shall appear to the Police Magistrate or other justice of the peace, before whom any case shall be tried under the provisions of this ordinance, that the defendant or defendants have forfeited his, her or their grocery or billiard license, it shall be the duty of such Police Magistrate or justice of the peace, as the case may be, to enter as a part of his judgment, that the grocery or billiard license of such defendant has been forfeited; and from and

after such fact has been so declared, such grocery or billiard license shall be taken as forfeited, null and void.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO MISDEMEANORS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That any two or more persons who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall each, severally, forfeit and pay the sum of not less than ten dollars.

SEC. 2. Whoever shall assault, strike or fight another, or who shall be guilty of any conduct calculated to provoke a breach of the peace in the city, shall forfeit and pay the sum of not less than fifteen dollars.

SEC. 3. Whoever shall disturb the peace, or shall be guilty of any violent, tumultuous, offensive or disorderly conduct, or shall make any loud or unusual noise or disturbance, or shall use obscene, offensive, profane or unseemly language, to the annoyance, disturbance or vexation of others, shall forfeit and pay the sum of not less than fifteen dollars.

SEC. 4. Whoever shall, knowingly, suffer or permit any assemblage of persons, for the purpose of disturbing the peace, or of committing any unlawful act, or any breach of the peace, or any riotous, tumultuous, offensive or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane or unseemly language, to the annoyance, disturbance or vexation of others, in, or upon any premises owned or occupied by him, or under his control, shall forfeit and pay the sum of not less than ten dollars.

SEC. 5. Whoever shall abet or encourage any unlawful act, or any violation of any ordinance of the city, shall forfeit and pay the sum of not less than ten dollars.

SEC. 6. Whoever shall wilfully or heedlessly disturb any assembly of persons met together for religious worship, shall forfeit and pay the sum of not less than ten dollars.

SEC. 7. Whoever shall, wilfully or heedlessly disturb any lawful assemblage of persons, or shall, on the Sabbath day, wilfully

or heedlessly disturb the peace or quiet of any private family, shall forfeit and pay the sum of not less than ten dollars.

SEC. 8. Whoever shall make any false alarm of fire, or any false cry for assistance, shall forfeit and pay the sum of not less than ten dollars:

SEC. 9. Whoever shall be found in a state of intoxication, in any public place, or in any place open to public view, shall forfeit and pay the sum of not less than ten dollars.

SEC. 10. Whoever shall purposely or publicly make any indecent exposure of his or her person, or shall appear in a dress not belonging to his or her sex, or in any indecent or lewd dress, or in a state of nudity, or shall be guilty of any other indecent or lewd act or behavior, shall forfeit and pay the sum of not less than ten dollars.

SEC. 11. Whoever shall exhibit, sell or offer to sell, any obscene, indecent or lewd book, picture, statue, or like thing, or shall exhibit or perform any indecent, obscene or lewd play, exhibition or other representation, shall forfeit and pay for each offense the sum of not less than ten dollars.

SEC. 12. Whoever shall, in any place open to public view, write, mark, draw, cut, or make any obscene, lewd or indecent word or sentence, design or figure, shall forfeit and pay the sum of not less than ten dollars.

SEC. 13. Whoever shall exhibit any stud horse, bull or jack on the streets or alleys within the fire limits of said city, or shall let any such animal, except in some enclosed place out of public view, shall forfeit and pay for each offense the sum of not less than five dollars.

SEC. 14. Any person able to work and maintain himself or herself in some honest and respectable calling, not having visible means of support, who shall live idly, without employment, or loiter or stroll about begging, or frequenting gaming houses, disorderly or bawdy houses, groceries or tippling houses, or other places where intoxicating liquors are sold, or shall otherwise lead an idle or profligate course of life, or any person who shall keep, maintain, or be an inmate of any house of prostitution, or shall sleep in sheds, out-houses, stables or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant, and shall forfeit and pay the sum of not less than twenty-five dollars.

SEC. 15. Whoever shall, on Sunday, keep open a grocery, or a billiard room, ball or pin alley, house, grounds or other place of amusement, or shall suffer or permit persons to assemble therein,

for the purpose of amusement or play, shall forfeit and pay the sum of not less than fifty dollars.

SEC. 16. Whoever shall, wilfully, maliciously or negligently break, deface, destroy, or otherwise injure any public property of the city, or any private property, shall forfeit and pay for each offense the sum of not less than ten dollars, and shall also be liable for the costs and expenses of repairing the injuries committed, which shall be added to the penalty, and constitute a part thereof.

SEC. 17. Whoever shall, without the consent of the owner or occupant of the premises, fasten any horse or other animal to any tree, or to any boxing placed around any tree, shall forfeit and pay the sum of not less than one dollar.

Whoever shall, wilfully, maliciously or negligently, in any manner, injure, deface, remove or destroy any ornamental or shade tree, or boxing placed around the same, or any shrub, fence, railing, gate or sign upon any sidewalk or private premises, or trespass on private premises or public ground, and injure, carry away or destroy any tree, fruit, vegetable, plant, shrub, or other thing which may be therein, for ornament or otherwise, shall forfeit and pay the sum of not less than twenty dollars.

SEC. 18. Whoever shall, without the consent of the owner or occupant of the premises, post, put up, stick or place any hand bill, placard, show bill or notice upon any building or fence, or shall mark, cut, scratch or otherwise deface any fence, or any part of any building shall forfeit and pay the sum of not less than five dollars.

SEC. 19. Whoever shall, purposely, rapidly or immoderately ride or drive any horse or mule, or any cattle, or other like animals, or any team in any street or alley of the city of Bunker Hill shall forfeit and pay for each offense the sum of not less than ten dollars.

SEC. 20. Whoever shall leave any horse, or mule, or any team in any unenclosed or public place without being fastened, guarded or secured, so as to prevent its running away, shall forfeit and pay the sum of not less than three dollars.

SEC. 21. Whoever shall, in any part of the city, fire or discharge any cannon, gun, pistol or other firearms, or shall set off, fire or explode any torpedo, fire cracker, fire ball, rocket or other fire works, whatever, or shall make or kindle any bonfire shall forfeit and pay the sum of not less than one dollar for each offense. But the discharge of firearms, setting off or exploding of fire works, and the making of bonfires upon National holidays, and in the celebration of other public and general events, or the discharge of firearms by the members of any military company when on parade, and in ac-

cordance with the command of the commanding officer, or by any city officer or other person in the discharge of any legal duty or lawful act, or by any person upon his own premises, when the same may be done in such a manner as not to endanger, or be likely to endanger, the safety of any person or the injury of any property, shall not be deemed any violation hereof.

SEC. 22. Whoever shall leave open any cellar, cellar door, vault, well, cistern, excavation, ditch or other like hole upon or adjoining any street, alley or sidewalk, without securing and protecting the same so as not to endanger the safety of persons or animals passing thereby, from falling therein, shall forfeit and pay the sum of not less than ten dollars.

SEC. 23. Any contractor for any public work, officer or other person making an excavation upon or adjoining any street, alley or sidewalk, or having the same in charge, who shall, in the night time, leave the same open and unprotected so as to endanger the safety of persons or animals passing thereby from falling therein, shall forfeit and pay the sum of not less than ten dollars.

SEC. 24. Whoever shall knowingly sell, expose or offer for sale any sick or diseased animal, poultry or fish, to be used or eaten for food, or the flesh of any sick, diseased or otherwise unwholesome dead animal, poultry or fish, or the flesh of any animal, fowl or fish not usually used or deemed wholesome for food, or any other, unsound or unwholesome provisions or article of food whatever, or any pernicious or adulterated milk, drink or liquors, shall forfeit and pay the sum of not less than ten dollars in each case, and the Mayor, or any police officer, shall seize, or cause to be seized and destroyed, any such food, milk, drink or other provisions so exposed or offered for sale.

SEC. 25. Whoever shall wilfully hinder, delay, resist or obstruct any city officer, or any person legally authorized by him in the discharge of his duty, or shall aid, abet or encourage any such hindering, delaying, resisting or obstructing, or shall neglect or refuse to obey any lawful order or direction of such officer shall forfeit and pay the sum of not less than ten dollars.

SEC. 26. Whoever shall rescue, or attempt to rescue, or shall abet or encourage the rescue or escape of any person from the custody of any officer, or other person legally having him in charge, or shall molest or interfere with any officer or other person so legally having him in charge, or shall in any manner aid, abet or encourage the rescue or the attempt to escape from any prison of any person legally committed thereto, or shall supply, or attempt to supply any

such person with any weapon, or with any implement or means of escape, or for attempting to escape, or with any intoxicating liquors shall, in each case, forfeit and pay the sum of not less than twenty-five dollars.

SEC. 27. Any police officer may call upon any male person, above the age of eighteen years, to aid him in the arrest of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act, and whoever shall neglect or refuse to give such aid or assistance, when so required, shall forfeit and pay the sum of five dollars.

SEC. 28. No builder or other person shall encumber or obstruct any street or alley with building or other like materials, without a written permit from the Mayor, nor shall, except in case of urgent necessity, and for a short time, encumber or obstruct more than one-third of any street or alley, or one-half of the sidewalk, nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section shall forfeit and pay the sum of not less than five dollars, and an additional penalty of five dollars for each day he shall continue in violation thereof.

SEC. 29. No person shall make or cause to be made, any erection or enclosure, encroaching in whole or in part upon any street, alley or sidewalk, under a penalty of fifty dollars, and an additional penalty of three dollars for each day the same shall remain after notice by the Mayor, Marshal or Superintendent of Streets to remove the same.

SEC. 30. The owner of any erection or enclosure, already erected, or placed and encroaching upon any street or alley, who shall not remove the same after thirty days notice by the Mayor, the City Marshal or the Superintendent of Streets, shall forfeit and pay the sum of ten dollars, and an additional penalty of three dollars for each day he shall fail to comply with such notice.

SEC. 31. The Mayor, the City Marshal or the Superintendent of Streets shall cause any encumbrance, obstruction, erection or enclosure in or upon any street, alley or sidewalk, contrary to ordinance, to be removed, and the costs of such removal may be collected of the person causing such obstruction, with the penalty, or in a separate suit, in the name of the city.

SEC. 32. Whoever shall place, throw or leave, or cause to be thrown, placed or left, any obstruction or encumbrance not authorized by ordinance in any street or alley, drain or sewer, shall forfeit

and pay the sum of ten dollars, and an additional penalty of one dollar for each hour he shall not remove the same when required by the Mayor, Marshal or Superintendent of Streets.

SEC. 33. No person not authorized by ordinance shall make any excavation in any street, alley or sidewalk, without a written permit from the Mayor or the Committee on Streets, under a penalty of five dollars.

SEC. 34. Whoever shall, purposely, change or remove any stake, post or stone, placed or set to designate the corner or line of any lot of land, street or alley, or to show the grade of any street, alley or sidewalk, shall be subject to a penalty of not less than five dollars.

SEC. 35. Whoever shall throw, place or leave any ashes, dirt, filth or other rubbish in or upon any street, alley or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed or left in or upon any street, alley or sidewalk, or shall not clean the snow from the sidewalk, in front of or adjoining any premises owned or occupied by him, or under his control, shall forfeit and pay the sum of ten dollars, and an additional penalty of one dollar for each hour the same may remain after notice to remove the same by the Mayor, the City Marshal or the Superintendent of Streets.

SEC. 36. The running at large within the limits of the City of Bunker Hill of horses, mares, mules, jennets, swine, bulls and asses is hereby prohibited, and every person who shall suffer or permit his or her horse, mare, mule, jennet, swine, bull or ass to run at large within said city, shall forfeit and pay for each and every one of said animals which he or she shall suffer or permit to run at large as aforesaid, the sum of one dollar, and in addition thereto he or she shall pay the sum of one dollar for every twelve hours said animal or animals shall continue to run at large.

SEC. 37. The running at large of cows within the limits of the City of Bunker Hill, between the 15th day of November and the 1st day of April in each year, is hereby prohibited, and every person who shall suffer or permit his or her cow to run at large within said city, at any time between said periods, shall forfeit and pay the sum of one dollar for each cow which he or she shall suffer or permit to run at large as aforesaid, and in addition thereto he or she shall pay the sum of one dollar for every twelve hours said cow shall continue to run at large.

SEC. 38. Whoever shall, wilfully, tear down any notice or bill which may be posted up at any point in said city, (not contrary to ordinance,) shall forfeit and pay the sum of ten dollars.

SEC. 39. Any person or persons, corporation or corporations,

who shall, by their teams, engines or cars obstruct any street, alley, road or sidewalk in the city, shall forfeit and pay the sum of not less than twenty dollars.

SEC. 40. Any person or persons who shall tie or hitch any stud horse or jack to any fence or tree in the City of Bunker Hill, shall forfeit and pay the sum of five dollars.

SEC. 41. Any person or persons who shall, within said city, draw on any person or persons, to the terror or danger of such person or persons, any knife, bowie knife, pistol, revolver, slung shot, or any other dangerous weapon, shall forfeit and pay the sum of not less than twenty-five dollars.

SEC. 42. Any person or persons who shall within the limits of said city carry concealed on their persons any knife, bowie knife, pistol, revolver, slung shot, or any other dangerous or deadly weapon for the purpose of unlawfully using the same, shall forfeit and pay the sum of not less than twenty-five dollars.

SEC. 43. If any person or persons shall, in said city, play for money at any game with cards, dice, checquers, or at billiards, or with any other article or instrument, thing or things whatsoever, which may be used for the purpose of playing or betting upon, or winning or losing money, or shall bet on any game others may be playing, or shall suffer or permit the same to be done upon his or her premises, every person so offending shall forfeit and pay for each offense the sum of ten dollars.

SEC. 44. That any person or persons who shall ride, lead or drive any horse, mare, mule or ox upon or over any plank or brick sidewalk along any of the streets or alleys within the limits of the City of Bunker Hill, except at the usual and proper crossings of such sidewalk, or shall obstruct any street, alley, road or sidewalk in said city, by putting thereon wood, brick, casks, boxes, barrels, or other thing, shall, on conviction thereof, be fined not less than three nor more than ten dollars. *Provided*, This ordinance shall not be so construed as to prevent the loading and unloading of wagons or other vehicles, at any mill, store, warehouse, shop or dwelling house, and that driving upon the sidewalks in front thereof, for that purpose, if the said vehicles, and all boxes, or other articles to be loaded into, or taken out of the same, be removed in a reasonable time.

SEC. 45. If any person shall sell or give away any spirituous, malt, vinous or intoxicating liquors, or any saloon, bar-room, grocery or place where such liquor is sold or given away, be open upon any State Election day, between the hours of 8 o'clock A. M. and 6

o'clock P. M., or upon any City Election day, between the hours of 1 o'clock P. M. and 7 o'clock P. M., such person or persons so offending shall, on conviction thereof, be fined in a sum not less than fifty dollars. The Police Magistrate and City Marshal shall see that the provisions of this section are enforced.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE IN RELATION TO DOGS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That no dog or bitch shall run at large in the City of Bunker Hill, unless the owner or keeper thereof shall place and keep upon the neck of such dog or bitch a substantial metallic or leather collar, with a metallic plate affixed thereto, with the letter "R" and date of registry, as hereinafter provided, to be legibly inscribed thereon, under a penalty of three dollars.

SEC. 2. The owner or keeper of any dog or bitch, in said city shall, without delay, after the due publication hereof, or as soon as any dog or bitch shall come into his possession; and annually thereafter, on or before the first day of June in each year, give the name and description of his dog or bitch to the City Marshal, who shall register the same in a suitable book kept for that purpose, and shall stamp upon or affix to the collar of the dog or bitch thus registered the letter "R," and the year of the registry; and he may charge and receive a fee of one dollar therefor for each dog or bitch registered by him, one-half of which is to be paid into the city treasury. Whoever shall not comply with this section shall forfeit and pay the sum of three dollars.

SEC. 3. When danger of hydrophobia may be deemed to exist in or near the city, the Mayor may, by proclamation or by notice in the newspaper published in the city, or by printed handbills, require all persons to confine all dogs and bitches, or securely muzzle them with a wire muzzle, for such time as may be designated in such proclamation or notice, or until otherwise ordered. All dogs or bitches found running at large in the city, contrary to the provisions of this section, whether owned or kept within or without the city, shall be destroyed by the City Marshal; and the owner or keeper of any dog or bitch, who shall knowingly permit the same to run at large contrary to the provisions of this section shall forfeit and pay the sum of five dollars.

SEC. 4. The City Marshal shall prosecute the owner or keeper of any dog or bitch permitting the same to run at large contrary to the requirements hereof; and shall kill or destroy all dogs or bitches found running at large and not registered and collared as herein required, and for which no owner or keeper can be found on reasonable inquiry; but the provisions hereof, except in third and fourth sections, shall not apply to any dog or bitch brought into the city by any person not a resident thereof, until such dog or bitch shall have been in the city one day.

SEC. 5. Any bitch running at large while in heat, is hereby declared a nuisance; and the owner or keeper of any such bitch, so permitting the same to run at large while in heat, shall forfeit and pay the sum of five dollars, and the City Marshal shall destroy such bitch.

SEC. 6. The City Marshal shall receive fifty cents for each dog or bitch destroyed by him and removed beyond the city, to be collected or recovered of the owner or keeper of such dog or bitch, if known—if not, to be reported to the City Council, upon oath, for allowance and payment from the treasury.

SEC. 7. The City Marshal shall, from time to time, or when required by the City Council, report the number of dogs registered, the amount of fines collected and the number of dogs killed under the provisions hereof.

SEC. 8. Any officer who shall destroy any dog or bitch, collared, registered or muzzled, as herein required, or shall bring or entice, or cause to be brought or enticed, any dog or bitch into the city for the purpose of destroying the same, or shall entice any dog or bitch out of the premises of the owner or keeper thereof, for such purpose, or shall molest or seize any dog or bitch while being tied, lead or held by any person, or shall remove the muzzle or collar from any dog or bitch, or shall throw or place, or cause to be thrown or placed, any poisonous meat or other poisonous substance, into any private enclosed premises, shall forfeit and pay the sum of ten dollars in each case.

SEC. 9. Any owner or keeper of any fierce or dangerous dog or bitch, who shall knowingly permit the same to go at large, to the danger, annoyance or damage of any person within the city, shall forfeit and pay the sum of five dollars for the first offense, and ten dollars for the second offense; and, upon a second conviction, the City Marshal shall cause such dog or bitch to be destroyed.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE IN RELATION TO THE POLICE DEPARTMENT.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the police department of the city shall consist of the Mayor, the Aldermen and Police Magistrate, (who shall *ex-officio* be members of the police department), the City Marshal, and as many policemen as may be appointed.

SEC. 2. The Mayor, with the approval of the City Council, may, when deemed expedient, appoint a competent number of policemen, to continue in office during the pleasure of the City Council, and to be subjected to removal at any time by the Mayor, for good cause. The policemen shall have and exercise all the powers, perform all the duties and be subject to all the liabilities, incident to the office by law, or such as may be prescribed by ordinance.

SEC. 3. The Mayor shall exercise a general supervision and control over the police department, and shall see that the various police officers are prompt and efficient in the discharge of their duties; and he shall from time to time take such measures for the preservation of the public peace and good order, and for the prompt and efficient execution of the laws of the State and the ordinances of the city, as may be deemed most expedient and best to accomplish the purposes contemplated.

SEC. 4. The City Marshal shall be the Chief of Police, and all policemen, except when otherwise provided by ordinance, shall be subject to his direction and control.

SEC. 5. All members of the police department shall cause all the ordinances of the city to be observed and enforced, especially within the city limits. When any violation of law, or of any ordinances shall come to the knowledge of any member of the police department, or be reported to him, he shall, without delay, cause the proper complaint to be made before the Police Magistrate, or other competent court, and the proper witnesses to be summoned, or evidence procured for the successful prosecution of the offender.

The Mayor, or any Alderman, or the Police Magistrate may, and all other officers shall arrest, with or without process, any person who shall be found in the act of violating any ordinance of the city, and commit him for examination, and, if necessary, detain him in custody over night, or over Sunday, or place him in the city calaboose, or other secure place, until he can be brought before the Police Magistrate or other competent court.

SEC. 6. Any police officer shall have power, upon reasonable ground of suspicion, to enter peaceably, or, if refused or resisted, after demand made, by force, any house or other premises in which any person may be suspected to be, for unlawful purposes, and may arrest without process any person who may be found therein, guilty, or reasonably supposed to be guilty of any criminal act, and detain him in custody, as in other cases, until he can be brought before a competent court or Magistrate.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE ESTABLISHING AND REGULATING THE HEALTH DEPARTMENT—BOARD OF HEALTH.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the City Council shall, annually, on the first Monday in the month of May, or at any regular or called meeting thereafter, in case no appointment should be made on said day, appoint by ballot, three of their number who shall constitute the Board of Health, and who shall continue to act in that capacity until their successors are chosen, or appointed, as herein specified. The Mayor shall be President of the Board, and shall cause all orders of the Board to be executed. The City Clerk shall be Clerk of the Board, and shall keep minutes of its proceedings in a suitable book, and issue its orders.

SEC. 2. For the enforcement of sanitary regulations, the Board of Health shall have jurisdiction in and over all places within the city, and within one-half mile of the city limits. They may during the day time enter all premises and examine all parts thereof, and cause all nuisances found therein, which they may deem prejudicial or obnoxious to the public health, to be abated in such manner as they shall direct.

SEC 3. All persons shall obey the orders and directions of the Board of Health; the Mayor or any member may order the abatement of any nuisance existing, contrary to any ordinance of the city, which may be prejudicial to the public health, and any occupant of any premises in the city who shall, after such notice, neglect or refuse to obey any order of the Board, or the Mayor, for the period of twenty-four hours, shall be subject to a penalty of twenty-five dollars. *Provided*, whenever the occupant of any such premises is a poor person and unable to abate, remove or remedy the same, such

nuisance shall be abated, remedied or removed at the expense of the city ; and, *Provided*, further, whenever any occupant possessing the means and ability to abate, remove or remedy any such nuisance shall have neglected or refused to abate the same as aforesaid, the Board shall cause the same to be removed at the expense of the occupant of said premises.

SEC. 4. The Board of Health may cause any person having any infectious, contagious or pestilential disease, with his consent, if a resident of the city, to be removed to such safe, retired and proper place as may be deemed best, and may provide suitable nurses and other attendants for such person, at his expense, if able to pay.

If any person shall have the small pox, or other like disease, the Board of Health, or the Mayor, may require notices, with the words "small pox here," in large letters on a red flag, to be set up in a conspicuous place on the premises occupied, or by said premises, by the occupant thereof, who shall cause such notices to be placed and kept up as long as directed by the Board, or Mayor ; and upon his failure to do so, he shall be subject to a penalty of twenty-five dollars for each day he shall fail to place and keep up such notices.

SEC. 5. Any person having, or having had the small pox, or any other like disease, who shall go about in any public place, while in the opinion of his attendant physician, there is danger of giving the disease to others, he shall be subject to a penalty of fifty dollars. Any person attending or being about any other person having the small pox, or like infectious disease, who shall not change or purify his wearing apparel before going into any public place, or who shall otherwise so conduct himself as to endanger the spreading of the disease, or the giving it to others, shall, for each offense, be subject to a penalty of fifty dollars.

SEC. 6. The Board of Health may cause any wearing apparel, bedding or furniture which they deem infectious, or likely to endanger the public health of the city, to be removed not exceeding five miles from the city, or destroyed ; but before destroying the same they shall cause, if practicable, an invoice and appraisal to be made thereof, in order to make just compensation therefor.

SEC. 7. Any person practicing medicine, who shall have any patient in the city laboring under any malignant, infectious or pestilential disease, shall forthwith make report thereof in writing to the City Clerk, describing the locality of such patient, and upon failure to do so shall be subject to a penalty of ten dollars.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE IN RELATION TO HORSES, SWINE AND OTHER ANIMALS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That any horse, mare, mule, jack or jennet, bull, cow, hog, pig or shoat found running at large, contrary to ordinance, in the city shall be taken up the by Superintendent of Streets, and placed in a pen or pound, to be provided by the city. The Superintendent of Streets shall receive the sum of one dollar for each animal impounded by him under this section, and seventy-five cents per day for feeding and watering the same, (provided he shall only receive fifty cents for impounding each hog, pig or shoat, and fifty cents per day for feeding and watering each); such costs for taking up and impounding and feeding shall be paid by the owner.

SEC. 2. Whenever any animal named in Section one is impounded, the Superintendent of Streets shall at once make complaint to the Police Magistrate or a justice of the peace, and apply for proceedings to adjudge against the owner the penalty incurred, stating the name of the owner, if known to him, and the number and kind of animals; if the owner is not known, then giving a description of the animals.

SEC. 3. The magistrate shall thereupon issue a notice in writing to the owner of such animal, stating the fact of impounding, and fixing therein a time, not exceeding ten days, when said complaint will be heard, which notice shall be served not less than five days before the time of hearing the complaint; in case the owner is not known, then the notice shall describe the animal and be posted up, by the Superintendent of Streets, in five public places in the city, for five days before the time of hearing.

SEC. 4. It shall be the duty of the Superintendent of Streets to attend at the hearing as aforesaid and present the facts in the case; the cause shall be conducted as other causes are conducted by the magistrate. If the owner is found guilty, the magistrate shall enter judgment against him for the penalty and costs, and shall also enter an order directing the Superintendent of Streets to sell the property to make the fine and costs; the sale of any animal distrained or impounded under this ordinance shall be conducted as near as may be according to the State law relating to property sold by constables under execution. The Superintendent of Streets shall pay to the City Treasurer the net proceeds of such sales. The owner of any animal sold may redeem the same from the purchaser at any time within three

months, by paying the purchase money, with ten per cent. interest and the costs and expenses of keeping the same.

SEC. 5. If the owner of any animal impounded shall at any time before the sale establish his claim to such animal, by proof, and pay all costs that may have accrued against him, he may remove or take away the same.

SEC. 6. If any person or persons shall take out or remove any animal from said pound when the same is impounded, or shall open, tear down, injure or destroy said pound, either when any animal is impounded or not, such person or persons so offending shall forfeit and pay the sum of not less than ten dollars, and for all damage done to said pound.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

ORDINANCE RELATING TO GRADE OF STREETS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the grade of the street in front of or along the within-named lots of the City of Bunker Hill, be and the same is hereby established, as follows, viz: The point of beginning shall be 2 inches above the top of the water table upon the N. E. corner of the building situated upon the N. E. corner of Lot No. 156, which point of beginning is also on a level with a point 33 inches below the top of the water table at the N. W. corner of Huggins' building, on the opposite side of the street. The N. W. corner of Lot No. 129 and the N. W. corner of Lot No. 108 shall be level with the beginning point; the N. E. corner of Lot 158 and the N. W. corner of Lot 127, 26 inches below the beginning point; the N. E. corner of Lot 162 and the N. W. corner of Lot 123, 76 inches below the beginning point; the S. E. corner of Lot 159 and the S. W. corner of Lot 126, 36 inches below the beginning point; the S. E. corner of Lot 155 and the S. W. corner of Lot 130, 28 inches below the beginning point; the N. E. corner of Lot 154, and the N. W. corner of Lot 131, 41 inches below the beginning point; the S. E. corner of Lot 151 and the S. W. corner of Lot 134, 88 inches below the beginning point; the S. W. corner of Lot 155, 36 inches below the beginning point; the S. E. corner of Lot 178, 41 inches below the beginning point; the S. W. corner of Lot 178, 116 inches below beginning point; the N. W. corner of Lot 154, 46 inches below beginning

point ; the N. E. corner of Lot 179, 51 inches below beginning point ; the N. W. corner of Lot 179, 112 inches below beginning point ; the S. E. corner of Lot 130 and the S. W. corner of Lot 107, 45 inches below beginning point ; the S. E. corner of Lot 107 and N. E. corner of Lot 106, 70 inches below beginning point ; the N. E. corner of Lot 131 and the N. W. corner of Lot 106, 49 inches below beginning point ; the N. E. corner of Lot 127 and the N. W. corner of Lot 110, 24 inches below beginning point ; the N. E. corner of Lot 110, 46 inches below beginning point ; the S. E. corner of Lot 126 and the S. W. corner of Lot 111, 30 inches below beginning point ; the S. E. corner of Lot 111, 52 inches below beginning point ; the N. W. corner of Lot 158, 72 inches below beginning point ; the N. E. corner of lot 175, 84 inches below beginning point ; the S. W. corner of Lot 159, 78 inches below beginning point ; the S. E. corner of Lot 174, 90 inches below beginning point ; the N. E. corner of Lot 177, 51 inches below beginning point ; the S. W. corner of Lot 174 and the N. W. corner of Lot 175, 124 inches below the beginning point.

SEC. 2. That the outside of the curbstone, along any of the lots named in Section one, situated on Warren or Washington streets, shall be set 10 feet from the line of said lots, and on Fayette street 8 feet from the line ; the top of the curbstone along any of the foregoing lots shall be level with the grade of the street in front of such lots.

Passed May 17, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO FEES AND SALARIES.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill,* That the City Attorney shall receive such sums for services performed at the request of the City Council, as shall be reasonable. He shall also receive a fee of five dollars on all judgments in favor of the city of ten dollars and over, and a fee of two dollars and fifty cents on all judgments in favor of the city under ten dollars, recovered before the Police Magistrate or any justice of the peace in said city, which said sum shall be taxed against the defendant as costs, to be recovered against him. *Provided,* That said attorney shall not be entitled to said fee unless the same is collected from the defendant.

The City Clerk shall receive fifty dollars per annum, to be paid out of the treasury of said city; also, for issuing each license, fifty cents; for taking bond of any person, one dollar. For making certificate when required, and affixing the seal of said city thereto, one dollar; for making and certifying copies of any ordinances, resolutions, or other matter of record in his office, twenty cents for every hundred words; for attaching seal thereto, fifty cents. *Provided*, he shall not be entitled to any of said fees when the service is done at the request of, and for the benefit of said city.

The City Treasurer shall receive for his services one per centum on all moneys received by him by virtue of his said office. *Provided*, no commissions shall be paid him on any money remaining in his hands at the expiration of his term of office.

The Police Magistrate and City Marshal shall receive the same fees as are allowed to justices of the peace and constables under the laws of this State for like services. *Provided*, that in all criminal cases under the ordinances, when the defendant is discharged without costs, no fees shall be paid to said Justice or City Marshal.

The Superintendent of Streets shall receive one dollar and fifty cents per day for each day actually employed in laboring or superintending the labor on the streets, alleys or roads in said city, and notifying hands to labor. For removing each dead horse, mule, cow or ox out of the limits of the city, one dollar. For removing any other dead animal out of said limits, fifty cents.

The Judges and Clerks of Elections shall receive the same compensation allowed Judges and Clerks under the State Law, and making returns of the same.

Policemen shall receive two dollars per day when employed.

Each juror and witness impaneled or sworn in any trial under the ordinances of said city, shall be entitled to the same fees as are allowed for similar services by the laws of this State.

The Calaboose Keeper shall receive the sum of one dollar for each person confined in the city calaboose, and one dollar per day for caring for and boarding each person confined.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

AN ORDINANCE RELATING TO SUITS AND PROCESS.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That it shall be the duty of all the officers of the city, when

they are informed of the violation of any ordinance, to give notice thereof to the City Attorney, together with the name of the offender and of the witnesses, when known, and it shall be the duty of said City Attorney whenever he is informed of the violation of any ordinance, by any person, to investigate the circumstances of the case, and if, in his opinion, the public good demand it, to commence immediate proceedings for the recovery of the penalties.

SEC. 2. Whenever the City Attorney or City Marshal shall make affidavit, or shall file the affidavit of any credible person, that any person or persons have violated any ordinance of said city, setting forth the material facts of which such violation consists, it shall be the duty of the Police Magistrate or Justice of the Peace, as the case may be, to issue his warrant, in the following form, as near as may be :

STATE OF ILLINOIS, }
MACOUPIN COUNTY. } ss.

The people of the State of Illinois, to the City Marshal of the City of Bunker Hill, or any Constable of said county, greeting :

You are hereby commanded to take the body of ——— and bring him forthwith before me, at my office in Bunker Hill, to answer to the City of Bunker Hill in a certain action of debt, for the violation of an ordinance of said city in relation to ——— demand not exceeding two hundred dollars, and hereof make return to me as the law directs.

Given under my hand and seal this — day —, A. D., 18—.

————— P. M., [L. S.]

SEC. 3. It shall be the duty of the officer to whose hands such warrant may come, to arrest the person named therein and bring him forthwith before the officer issuing the same, and it shall be the duty of the Police Magistrate or other officer before whom such person may be brought in pursuance of such writ, to proceed immediately to the trial of the case, and unless for good cause shown, the same may be continued. *Provided*, the said Police Magistrate may postpone the trial of said cause for such reasonable time as he may think proper, not exceeding three days, if in his opinion the ends of justice demand it, and may, by his written order, authorize the detention of the defendant in custody, to answer said charge.

SEC. 4. Process issued as provided in second section, shall be sufficient to authorize the immediate arrest of the defendant therein named, his immediate trial or his detention for trial and judgment upon the facts for any penalty imposed by the ordinances.

SEC. 5. Whenever judgment shall be rendered in favor of the city, against any person, under proceedings commenced by the city, as prescribed in section second, the Police Magistrate, or officer ren-

dering the same, shall immediately issue an execution thereon for the judgment and costs, in the following form, as near as may be :

STATE OF ILLINOIS, }
MACOUPIN COUNTY. } ss.

The people of the State of Illinois, to the City Marshal of the City of Bunker Hill, or to any Constable of said county, greeting :

We command you of the goods and chattels of ———, to be found in Macoupin county, to make the sum of ———dollars, debt and ——— costs, with lawful interest thereon, from the ——— day of ———, A. D., 18——, until paid, which the City of Bunker Hill lately recovered before me, and against the said ——— as appears to me from my docket. And in case you are not able to find sufficient property of said defendant to make the debt, interest and costs, as aforesaid, and said defendant shall fail or refuse to pay the same when you demand payment thereof, you are commanded to take the body of the said ——— and deliver him to the keeper of the city calaboose. And we command you, the said keeper of the city calaboose, to receive the body of him, the said ———, and him safely keep in the calaboose of said city until he pay the debt, interest and costs as aforesaid, or shall be otherwise discharged in due course of law, and hereof make due return to me within seventy days from this date.

Given under my hand and seal, this ——— day of ———, A. D., 18——.

—————, P. M., [L. S.]

SEC. 6. Process issued in the manner prescribed by the last foregoing section, shall be sufficient and effectual to authorize the City Marshal, or other officer in whose hands the same may come, to demand the immediate payment of the sums of money therein named, and an immediate levy upon and sale of the property of the defendant therein named, as in other cases made and provided for the sale of property under execution for the satisfaction thereof, and the arrest of the defendant ; and also shall be sufficient authority to, and it is hereby made the duty of the Keeper of the Calaboose named therein, to receive the body of the said defendant, and him safely keep until he shall pay the debt, interest and costs named therein, or shall be otherwise lawfully discharged. The said Keeper of the Calaboose shall deliver said defendant to the custody of the Superintendent of Streets, on demand of said Superintendent of Streets, who shall keep and detain such defendant until said defendant shall discharge himself of the debt, interest and costs, by labor on the streets, alleys, etc., of the city of Bunker Hill, at the rate of two dollars for each ten hours' work ; and in case said defendant shall refuse or neglect to work diligently, then the Superintendent of Streets may return said defendant to the Calaboose Keeper aforesaid, and the said Superintendent of Streets may, at any time, when the said defendant is not at work, return said defendant into the custody of said Calaboose Keeper for safe keeping, and when so returned he shall be allowed the sum of

one dollar per day for each day confined: *Provided*, No imprisonment under this section shall exceed six months for any one offense.

SEC. 7. Suits may be commenced and prosecuted for the recovery of any penalty provided by any ordinance of said city by the issuance of a summons in the following form, as near as may be:

STATE OF ILLINOIS, }
MACOUPIN COUNTY. } ss.

The people of the State of Illinois to the City Marshal of the City of Bunker Hill, or any Constable of said county, greeting:

You are hereby commanded to summon —— to appear before me at my office in Bunker Hill, on the —— day of ——, A. D., 18—, at —— o'clock, to answer the complaint of the City of Bunker Hill, in a certain action of debt, for the violation of section —— of chapter —— of ordinances of said city —— demand not to exceed two hundred dollars, and hereof make due return as the law directs.

Given under my hand and seal, this —— day of ——, A. D. 18—.

—————, P. M. [L. S.]

And all subsequent proceedings under this section shall be the same as now had before a justice of the peace in civil cases.

SEC. 8. Appeals may be taken to the County or Circuit Court of Macoupin county, within twenty days after such judgment is rendered, in the same way as under the laws of this State. All appeal bonds executed by any defendant under the provisions of this section, shall be in a sum at least double the amount of such judgment, for fine and costs, payable to the City of Bunker Hill, and shall be approved by the magistrate who rendered the judgment appealed from.

SEC. 9. In all cases under this ordinance either party may have the cause tried by a jury, if he shall so demand, before the trial is entered upon, and will first pay the fees of the jury.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor*.

AN ORDINANCE RELATING TO MEETINGS AND ORDINANCES.

SECTION 1. *Be it ordained by the City Council of the City of Bunker Hill:* That the City Council shall meet for the transaction of business on the first Monday in each month, from the first day of March until the first day of September in each year, at half past seven o'clock in the afternoon, and for the remainder of the year at seven o'clock in the afternoon, and may adjourn from time to time as they may think proper.

SEC. 2. The repeal of any ordinance by these ordinances shall not affect any act done or right accrued or established in any proceeding, action, suit or prosecution, or other thing had or commenced previous to the time when such repeal shall take effect; but every such act, right and proceeding shall remain and continue as valid and effectual as if the provisions of any such ordinance had remained in force.

SEC. 3. No offense committed, and no fine, forfeiture or penalty incurred previous to the time when the provisions of any ordinance shall be repealed, shall be affected, released or in any way discharged by such repeal; but the trial, conviction and punishment of all such offenses and the recovery of such fines, forfeitures and penalties, shall be had in all respects as if such provision had remained in force.

SEC. 4. No action, prosecution, suit or proceeding pending at the time any ordinance or part of any ordinance shall be repealed, shall be affected in any way by such repeal; but any such action, prosecution, suit or proceeding, shall proceed in all respects as if such ordinance had not been repealed.

SEC. 5. Whenever in any ordinance words importing the plural number are used, in describing or referring to any matter, parties or persons, any single matter, party or persons shall be deemed to be included, although distributive words to that effect may not be used.

SEC. 6. When any subject, matter, party or person is described or referred to in any ordinance, by words importing the singular number, or the masculine gender, several matters, and persons and females, as well as males, and bodies corporate, as well as individuals, shall be deemed to be included.

SEC. 7. Upon the taking effect of the foregoing ordinances, all ordinances or parts of ordinances inconsistent therewith shall be and are hereby repealed.

Passed May 12, 1873. Approved.

J. F. CUMMINGS, *Mayor.*

STATE OF ILLINOIS, }
MACOUPIN COUNTY. } ss.

I, S. N. Sanford, Clerk of the City of Bunker Hill, Illinois, do hereby certify that the foregoing is a true copy of the ordinances of the City of Bunker Hill.

Given under my hand and the seal of the City of Bunker Hill, this 21st day of May, 1873.

S. N. SANFORD, *City Clerk.*

Seal.

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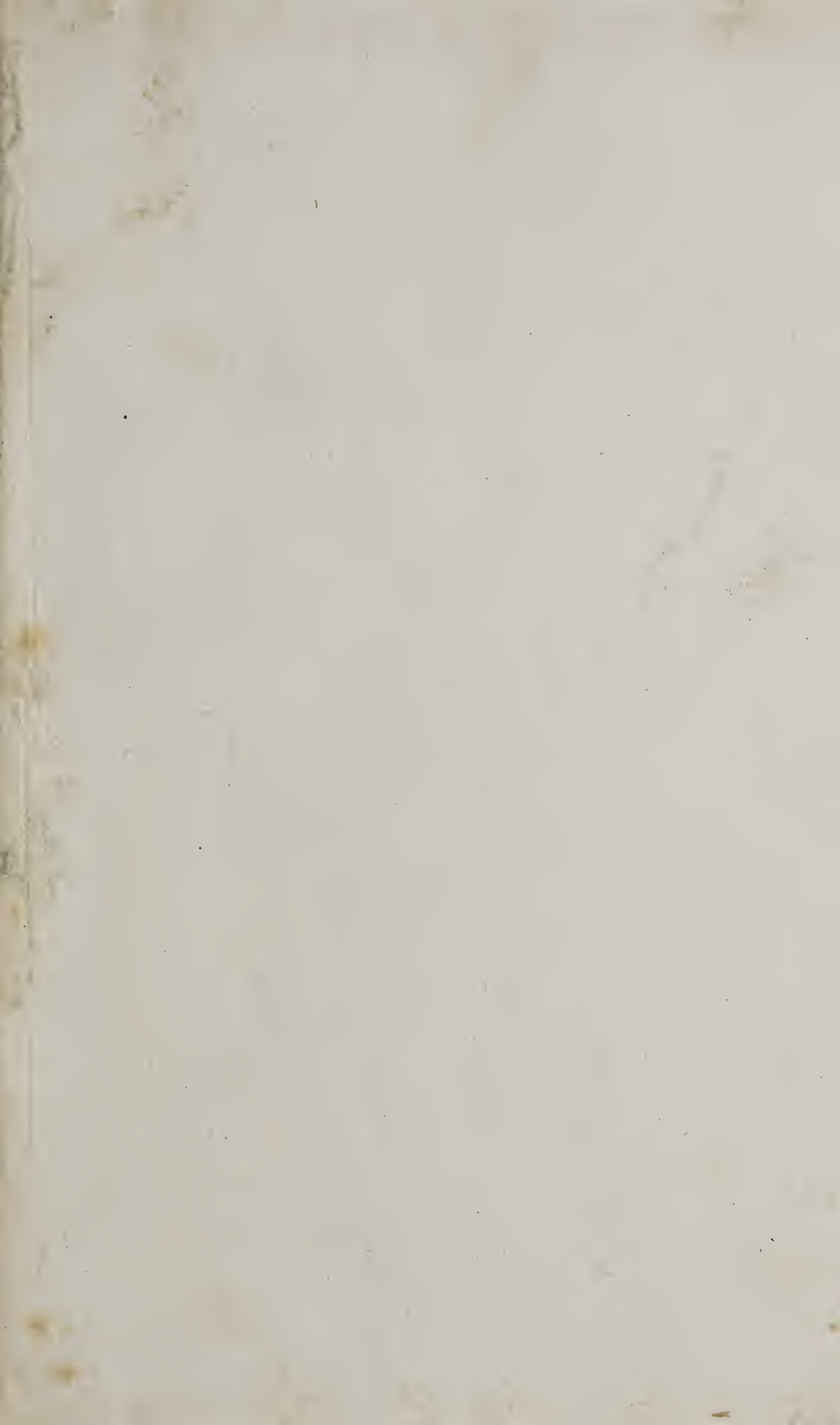
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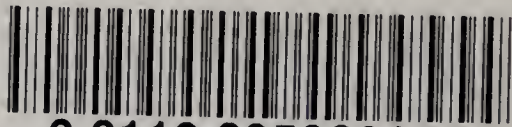


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THE ACT OF INCORPORATION AND ORDINANCES



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